

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) TAMMY COVINGTON and)	
(2) JEFFREY COVINGTON,)	
)	
Plaintiffs,)	
)	CIV-19-718-PRW
vs.)	Case No. _____
)	(formerly Oklahoma County
(1) CSAA FIRE AND CASUALTY)	Case No. CJ-2019-3967)
INSURANCE, d/b/a AAA FIRE AND)	
CASUALTY INSURANCE COMPANY, INC.,))	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant CSAA Fire and Casualty Insurance (“CSAA” or “Defendant”) hereby gives notice of the removal of this action from the District Court of Oklahoma County, State of Oklahoma, styled *Tammy Covington and Jeffery Covington v. CSAA Fire and Casualty Insurance, d//b/a [sic] AAA Fire and Casualty Insurance Company, Inc.*, Case No. CJ-2019-3967, to the United States District Court for the Western District of Oklahoma.¹ In support of this Notice, CSAA sets forth as follows:

1. On July 17, 2019, Plaintiff filed a Petition against CSAA in the District Court of Oklahoma County, State of Oklahoma. A copy of the Petition is attached as Exhibit “1.” See 28 U.S.C. § 1446(a). CSAA was served with Summons on July 19, 2019, by service upon the Oklahoma Insurance Commissioner. A copy of the Summons and letter

¹ No admission of fact, law or liability is intended by this Notice of Removal, and Defendants expressly reserve all defenses, affirmative defenses and motions otherwise available to them.

from the Insurance Commissioner of the State of Oklahoma are attached hereto as Exhibits “2” and “3,” respectively. This Notice of Removal is, therefore, timely filed in accordance with 28 U.S.C. § 1446.

2. Plaintiffs Tammy Covington and Jeffrey Covington are citizens of the State of Oklahoma. Petition, ¶ 1.

3. Defendant is a corporation incorporated under the laws of the state of Indiana having its principal place of business in a State other than the state of Oklahoma. Petition, ¶ 2; *see also*, Exhibit 4, Company Demographics.

4. Federal subject matter jurisdiction in this action exists by reason of diversity of citizenship and an amount in controversy that exceeds the sum of \$75,000, exclusive of interests and costs, pursuant to 28 U.S.C.A. § 1332(a). Petition, “Wherefore” paragraph.

5. The removal of this action is authorized by 28 U.S.C.A. § 1441(a) which allows the removal of any civil action brought in a state court of which the District Courts of the United States have original jurisdiction.

6. A true and correct copy of all process, pleadings and orders served on or by all Defendants are attached hereto as separate exhibits. The exhibits are numbered as follows:

Exhibit “1”: Petition;

Exhibit “2”: Summons issued to CSAA; and

Exhibit “3”: July 19, 2019 Letter from the Insurance Commissioner of the State of Oklahoma;

7. Pursuant to LCvR 81.2, a copy of the docket sheet in Case No. CJ-2019-3967 in the District Court of Oklahoma County, State of Oklahoma, is attached hereto at Exhibit “5.”

8. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be promptly given to all adverse parties herein, and a copy will be filed with the Court Clerk of Oklahoma County District Court, Oklahoma.

CONCLUSION

As the Court has jurisdiction over this action under 28 U.S.C. §§ 1332, CSAA prays that this Court will assume jurisdiction over this action and make such further orders herein as may be needed to properly resolve this controversy.

Respectfully Submitted,

s/Matthew C. Kane

GERARD F. PIGNATO (OBA NO. 11473)
MATTHEW C. KANE (OBA NO. 19502)

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2019, a true and correct copy of the above and foregoing instrument was mailed via U.S. Mail, first-class, postage prepaid, to:

Douglas J. Shelton
Erica R. Mackey
Shelton Walkley Mackey
7701 S. Western Avenue, Suite 201
Oklahoma City, OK 73139

s/Matthew C. Kane
Matthew C. Kane